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*Attorneys for the Official Committee of Unsecured Creditors*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH**

In re:

WESTERN UTAH COPPER COMPANY, *et al.*

Debtors and Debtors in Possession.

Bankruptcy Case No. 10-29159-WTT

Chapter 11

(Jointly Administered with  
Case No. 10-30002  
WTT)

Honorable William T. Thurman

**Filed Electronically**

***EX PARTE* MOTION OF THE OFFICIAL COMMITTEE OF UNSECURED  
CREDITORS FOR ORDER SHORTENING NOTICE TIME REGARDING (I)  
EMERGENCY MOTION TO COMPEL ANSWERS AND THE PRODUCTION OF  
DOCUMENTS RELATED TO THE FIRST SET OF INTERROGATORIES AND  
SUBPOENA DIRECTED TO EMPIRE ADVISORS AND ALTUS METALS; AND (II)  
EMERGENCY MOTION TO COMPEL ANSWERS AND THE PRODUCTION OF  
DOCUMENTS RELATED TO THE FIRST SET OF INTERROGATORIES AND  
SUBPOENAS DIRECTED TO REYNOLDS BROTHERS, INC. AND BRIDGE LOAN  
CAPITAL FUND**

Pursuant to Rule 9006(c) of the Federal Rules of Bankruptcy Procedure, the Official Committee of Unsecured Creditors ("Creditors' Committee") of Western Utah Copper Company and Copper King Mining Corporation ("Debtors"), hereby submit this *Ex Parte* Motion for Order

Shortening Notice Time (“Motion”) on its Emergency Motion (“Empire Motion to Compel”) to Compel Answers and the Production of Documents Related to the First Set of Interrogatories and Subpoena Directed to Empire Advisors (“Empire”) and Altus Metals and Emergency Motion (“Reynolds Motion to Compel” together with the Empire Motion to Compel, collectively the “Motions to Compel”) to Compel Answers and the Production of Documents Related to the First Set of Interrogatories and Subpoenas Directed to Reynolds Brothers, Inc. (“Reynolds”) and Bridge Loan Capital Fund (“Bridge Loan”). In support of this Motion, the Creditors’ Committee states as follows:

1. A contested matter has arisen in this case as a result of objections of the Creditors’ Committee and the Official Committee of Equity Security Holders’ (“Equity Committee”) to the “Debtors’ Motion for Order Approving (1) Settlement Agreement with Secured Creditors Pursuant to Federal Rule of Bankruptcy Procedure 9019; and (2) Settlement Buyout Term Sheet” (“Debtors’ Settlement Motion”, Docket No. 487)<sup>1</sup>. The Court has entered a scheduling order for this contested matter (“Scheduling Order”, Docket No. 498), pursuant to which an evidentiary hearing will be held by the Court on February 16, 2011.

2. By the Debtors’ Settlement Motion, the Debtors seek extraordinary relief. In its most general terms, the Debtors seek Court authority to grant the Secured Creditors relief from the automatic stay so that the Secured Creditors can commence foreclosure proceedings on assets critical to the Debtors’ restructuring efforts in exchange for the Secured Creditors’ agreement to set a strike price at which Altus **may** purchase the secured debt and **may** propose a chapter 11 plan.

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<sup>1</sup> Capitalized undefined terms shall have the meaning ascribed to them in the Debtors’ Settlement Motion.

3. During a Court-initiated conference call held on January 26, 2011, the Committee requested that this Court permit the parties to engage in discovery prior to the hearing on the Motion considering the relief sought by the Debtors was so significant. The Court entered a scheduling order on January 28, 2011 that set a hearing on the Motion for February 16, 2011 and likewise set a discovery schedule (“Scheduling Order”, Docket No. 498). Pursuant to the Scheduling Order, written discovery was to be served by January 28, 2011 and responses were to be served by February 4, 2011 by 1:00 p.m. (MST).

4. On January 28, 2011, the Creditors’ Committee served its First Set of Interrogatories and Subpoenas on Reynolds and Bridge Loan<sup>2</sup> (the “Reynolds Discovery Requests”) in accordance with the Scheduling Order. Also, on January 28, 2011, the Creditors’ Committee served its First Set of Interrogatories and Subpoenas on Empire (the “Empire Discovery Requests” together with the Reynolds Discovery Requests, collectively the “Discovery Requests”).

5. Also in connection with the Debtors’ Settlement Motion, the Debtors, the Creditors’ Committee and the Equity Committee have scheduled a series of pre-hearing depositions commencing February 8, 2011 (the “Depositions”).

6. As set forth in more detail in the Motions to Compel, Reynolds, Bridge Loan and Empire have not answered all of the interrogatories and produced all of the documents requested in the Discovery Requests by the deadline imposed by the Scheduling Order.

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<sup>2</sup> The original discovery requests were actually delivered to Reynolds and Milford Copper Investors II, LLC (“Milford”) but the parties agreed to switch Milford with Bridge Loan at the request of counsel for the Secured Creditors.

7. Additionally, in light of the compressed time schedule governing this matter, even if Empire, Reynolds and Bridge Loan properly respond to the Discovery Requests and produce responsive documentation, the Committee will not receive the documents produced in response to the Disputed Requests before it takes the depositions of the representatives of the Debtors, Secured Creditors, and Empire scheduled to take place during the week of February 7, 2011, thereby prejudicing the Committee in its effort to consider the propriety of the Debtors' Settlement Motion and respond to the same. Accordingly, the Committee requests that this Court continue the Evidentiary Hearing for two weeks to March 2, 2011 to allow the Committee to receive and review the responses to the Disputed Requests and have a fair opportunity to confer with its counsel concerning its response to the Debtors' Settlement Motion.

8. A status conference for this case is scheduled with the Court on February 8, 2011 ("Status Conference"), and the Creditors' Committee requests that the Court hear the Motions to Compel at that time so as to the Court's ruling on such motions prior to the Depositions and the Evidentiary Hearing.

9. This Motion, along with the Motions to Compel, will be filed and served on February 8, 2011 on the United States Trustee and on all interested parties in this case. Given the requested shortened notice, the Creditors' Committee requests that objections to the Motions to Compel be filed and/or presented immediately prior to or at the Status Conference.

10. The Creditors' Committee requests that the Court hear the Motions to Compel on February 8, 2011 at 2:00 p.m. (MT).

WHEREFORE, the Creditors' Committee respectfully requests that this Court (i) hear the Motions to Compel on February 8, 2011 at 2:00 p.m. (MT), and (ii) set the objection deadline to the Motions to Compel as February 8, 2011 at 2:00 p.m. (MT).

Respectfully submitted this 8<sup>th</sup> day of February 2011.

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